

SEND

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 06-7812 PA (RCx)	Date	March 31, 2009
Title	Julio Alvarado v. William Bratton, et al.		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE		
Paul Songco	None		N/A
Deputy Clerk	Court Reporter		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
None		None	

Proceedings: IN CHAMBERS

Before the Court is a Motion for Summary Judgment filed by the County Defendants (Docket No. 65). The County Defendants filed the Motion after the Court entered an order on March 25, 2009 requiring that any such motion should be set "for hearing on any date that is consistent with the timing requirements of Local Rule 6-1 and the pre-filing meet and confer requirements of Local Rule 7-3." The Court also stated that the "the parties should attempt to agree upon a mutually agreeable date for their cross-motions to be heard" if Plaintiff elected to file an expedited motion for summary judgment. The Court's March 25, 2009 order therefore clearly contemplated that the parties would meet and confer concerning the filing of expedited motions for summary judgment on the issue of the County Defendants' liability prior to the filing of any such motions.

The Declaration of Scott Caron, filed in support of the County Defendants' Motion, relies on the meet and confer process the parties engaged in prior to the filing of the County Defendants' Motions to Dismiss to establish compliance with Local Rule 7-3. Nothing in Mr. Caron's Declaration suggests that the parties have met and conferred concerning the County Defendants' Motion for Summary Judgment. Moreover, because the Court denied the County Defendants' Motion to Dismiss in an order entered on March 24, 2009, and Local Rule 7-3 requires that a motion not be filed until 20 days after the meeting of counsel, the County Defendants' filing of the Motion for Summary Judgment less than a week later on March 30, 2009 violates Local Rule 7-3 and the Court's March 25, 2009 order directing that any motion be filed in compliance with Local Rule 7-3. The Court therefore strikes the County Defendants' Motion for Summary Judgment without prejudice to its being re-filed in compliance with the Local Rules and this Court's orders. The April 20, 2009 hearing is vacated.

IT IS SO ORDERED.